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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DEAN, RAYMOND S

ART UNIT PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/710,529

Applicant(s)

IKEDA ET AL.

Examiner

Raymond S. Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

Blonder teaches a wristwatch type cellular phone comprising: an equipment body section and a wrist band so as to enable said equipment body section to be placed on or pulled out of a wrist (Figure 1, Column 2 lines 33 – 45), said equipment body section further comprising: dialing means that transacts dialing functions and clocking means of a clock (Figure 1, Column 2 lines 33 – 45), a connector means for electrically connecting a battery and an electronic circuit within said equipment body section (Column 2 lines 33 – 45, in order for the power of the battery to be supplied to the circuitry contained in the case (4) there will be a connector means for electrically connecting said battery to said circuitry in the case (4)).

Blonder does not teach a dialing means that detects a position operated on a touch panel of a dial plate and a wrist band structured to enable storage of the battery where a part or whole thereof is formed into a pouched shape.

Lebby teaches a wrist band structured to enable storage of a battery where a part or whole thereof is formed into a pouched shape (Column 4 lines 5 – 9, in order for the battery to be integrated with the wrist band said wrist band will have a section that conforms to the shape of the battery, said section is the pouch).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wrist band of Blonder with the battery configuration of Lebby for the purpose of providing a smart strap that provides increased functionality of the wrist watch phone as taught by Lebby.

Gilmour teaches a dialing means for detecting a position operated on a touch panel and transacting dialing functions (Column 5 lines 17 – 29, in order for a person to dial a number said person will touch different operational locations on the touch screen, in order for a particular number to be dialed there will be a detection of the selection of said number and thus a detection of an operational location or position corresponding to said number).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the touch screen of Gilmour in the wrist watch phone of Blonder in view of Lebby as an alternative means for dialing a number as taught by Gilmour.

2. Applicant's arguments filed on November 21, 2006 regarding Claims 4 and 5 have been fully considered but they are not persuasive.

Regarding Claim 4

Examiner respectfully disagrees with Applicants' assertion that Lebby does not teach a charging jack. Lebby teaches a battery recharger (See Col. 4 lines 15 – 19). Typical battery rechargers comprise charging jacks for the purpose of recharging.

Regarding Claim 5

Examiner agrees with Applicants' assertion that Gilmour does not teach "displaying the number of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12". Blonder, however, teaches this particular limitation (See Blonder, Figure 1, the circumference is the boundary line of a figure).

Examiner respectfully disagrees with Applicants' assertion that Gilmour does not disclose "the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad". Gilmour teaches a touch panel where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad (Column 5 lines 17 – 29, the touch screen comprises an alphanumeric keypad, the numbers of the clock such as 1 and 7 are the same numbers that are on typical alphanumeric keypads used for dialing thus the numbers of the clock such as 1 and 7 are allocated or designated to said keypad). The combination of Blonder and Gilmour thus teaches the limitations in question.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the word "and" should be inserted between the words "right" and "left" in line 11 of Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al. (5,381,387) in view of Lebby et al. (6,158,884) and in further view of Gilmour (US 6,801,476).

Regarding Claim 3, Blonder teaches a wristwatch type cellular phone comprising: an equipment body section and a wrist band so as to enable said equipment body section to be placed on or pulled out of a wrist (Figure 1, Column 2 lines 33 – 45), said equipment body section further comprising: dialing means that transacts dialing functions and clocking means of a clock (Figure 1, Column 2 lines 33 – 45), a connector means for electrically connecting a battery and an electronic circuit within said equipment body section (Column 2 lines 33 – 45, in order for the power of the battery to be supplied to the circuitry contained in the case (4) there will be a connector means for electrically connecting said battery to said circuitry in the case (4)).

Blonder does not teach a dialing means that detects a position operated on a touch panel of a dial plate and a wrist band structured to enable storage of the battery where a part or whole thereof is formed into a pouched shape.

Lebby teaches a wrist band structured to enable storage of a battery where a part or whole thereof is formed into a pouched shape (Column 4 lines 5 – 9, in order for the battery to be integrated with the wrist band said wrist band will have a section that conforms to the shape of the battery, said section is the pouch).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wrist band of Blonder with the battery configuration of Lebby for the purpose of providing a smart strap that provides increased functionality of the wrist watch phone as taught by Lebby.

Gilmour teaches a dialing means for detecting a position operated on a touch panel and transacting dialing functions (Column 5 lines 17 – 29, in order for a person to dial a number said person will touch different operational locations on the touch screen, in order for a particular number to be dialed there will be a detection of the selection of said number and thus a detection of an operational location or position corresponding to said number).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the touch screen of Gilmour in the wrist watch phone of Blonder in view of Lebby as an alternative means for dialing a number as taught by Gilmour.

Regarding Claim 4, Blonder in view of Lebby and in further view of Gilmour teaches all of the claimed limitations recited in Claim 3. Lebby further teaches wherein said battery is a rechargeable and thin secondary battery (Column 4 lines 5 – 9, lines 15 – 19) and a charging jack that is used for charging said secondary battery (Column 4 lines 15 – 19, the recharger comprises a charging jack).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al. (5,381,387) in view of Gilmour (US 6,801,476).

Regarding Claim 5, Blonder teaches a wristwatch type cellular phone equipped with an equipment body section and a wrist band so as to enable said equipment body section to be placed on or pulled out of a wrist (Figure 1, Column 2 lines 33 – 45), where said equipment body section incorporates dialing means that transact dialing functions and clocking means of a clock (Figure 1, Column 2 lines 33 – 45), comprising: an electronic dial plate displaying the numbers of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12 (Figure 1, the circumference is the boundary line of a figure)

Blonder does not teach an electronic dial plate which is structured by a touch panel where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad; and said dialing means for detecting an operational location on said touch panel and transacting said dialing functions according to such detected operational location.

Gilmour teaches a touch panel where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad (Column 5 lines 17 – 29, the touch screen comprises an alphanumeric keypad, the numbers of the clock such as 1 and 7 are the same numbers that are on typical alphanumeric keypads used for dialing thus the numbers of the clock such as 1 and 7 are allocated or designated to said keypad); and said dialing means for detecting an operational location on said touch panel and transacting said dialing functions according to such detected operational location (Column 5 lines 17 – 29, in order for a person to dial a number said person will touch different operational locations on the touch screen, in order for a particular number to

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be dialed there will be a detection of the selection of said number and thus a detection of an operational location corresponding to said number).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the touch screen of Gilmour in the wrist watch phone of Blonder as an alternative means for dialing a number as taught by Gilmour.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al. (5,381,387) in view of Gilmour (US 6,801,476), as applied to Claim 5 above, and further in view of Reed et al. (5,634,206).

Regarding Claim 6, Blonder in view of Gilmour teaches all of the claimed limitations recited in Claim 5. Blonder further teaches a plurality of antennas that are established in said equipment body section or said wrist band (Figure 7, Column 4 lines 45 – 55).

Blonder in view of Gilmour does not teach a reception failure detection means for detecting occurrence of reception failure; and a switch means for switching used antennas to any of said plurality of antennas every time said reception failure detection means detects said occurrence of reception failure.

In the same field of endeavor, Reed teaches a reception failure detection means for detecting occurrence of reception failure (Columns 3 lines 45 – 49, 4 lines 3 – 7); and a switch means for switching used antennas to any of said plurality of antennas every time said reception failure detection means detects said occurrence of reception failure (Column 3 lines 45 – 49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscriber unit of Blonder in view of Gilmour with the reception failure detection means and switch means of Reed for the purpose of combating multipath as taught by Reed.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder et al. (5,381,387) in view of Gilmour (US 6,801,476), as applied to Claim 5 above, and further in view of Lebby et al. (6,158,884).

Regarding Claim 7, Blonder in view of Gilmour teaches all of the claimed limitations recited in Claim 5. Blonder further teaches a connector means for electrically connecting said battery and an electronic circuit within said equipment body section (Column 2 lines 33 – 45, in order for the power of the battery to be supplied to the circuitry contained in the case (4) there will be a connector means for electrically connecting said battery to said circuitry in the case (4)).

Blonder in view of Gilmour does not teach a wrist band structured to enable storage of a thin battery where a part or whole thereof is formed into a pouched shape.

Lebby teaches a wrist band structured to enable storage of a thin battery where a part or whole thereof is formed into a pouched shape (Column 4 lines 5 – 9, in order for the battery to be integrated with the wrist band said wrist band will have a section that conforms to the shape of the battery, said section is the pouch).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wrist band of Blonder in view of Gilmour with the

battery configuration of Lebby for the purpose of providing a smart strap that provides increased functionality of the wrist watch phone as taught by Lebby.

Allowable Subject Matter

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or show **wherein the plurality of antennas established in the equipment body section are embedded in at least one of top and bottom positions pinching the dial plate and right and left positions pinching the dial plate**. Claim 1, including all of the claims that depend from Claim 1, is thus allowable.

10. Claims 8 – 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record also fails to teach or show **wherein the number 11 and 12 correspond to a connection button and disconnection button, respectively**.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ray J. Orr

Raymond S. Dean
January 25, 2007


 JAMES E. LARKIN
 SECRETARY OF THE
 TREASURY